

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)	Bankr. No. 09-40445
)	Chapter 7
JERRY ALLEN BURGE)	
SSN/ITIN: xxx-xx-3186)	
)	ORDER RE: SOUTH DAKOTA
and)	HOUSING DEVELOPMENT
)	AUTHORITY'S MOTION FOR
MELISSA MAY BURGE)	RELIEF FROM AUTOMATIC STAY
fka Melissa Chladek)	
SSN/ITIN: xxx-xx-8595)	
)	
Debtors.)	

Upon consideration of South Dakota Housing Development Authority's Motion For Relief From The Automatic Stay (doc. 10), Trustee Lee Ann Pierce's response (doc. 13), and the record before the Court; and it appearing the parties have advised the Court, through the submission of a proposed order, of their consent to the relief set forth herein; and for cause shown; now, therefore,

IT IS HEREBY ORDERED South Dakota Housing Development Authority's motion is granted, and it may exercise its nonbankruptcy law remedies regarding its interest in the real property located at 1117 Burleigh Street, Yankton, South Dakota, better described as:

LOTS 14, 15 & 16, BLOCK 10, TAYLOR & SARGENT'S ADDITION,
CITY & COUNTY OF YANKTON, SOUTH DAKOTA, AS PER PLAT
RECORDED IN BOOK S, PAGE 23.

Said relief is without prejudice to Trustee Pierce's retaining, as property of the bankruptcy estate, the redemption rights associated with the above-described property and selling the property during the redemption period, if she is able to find a buyer who will pay a price sufficient to cover all encumbrances against the property and the costs of sale and if the Court approves the sale as conferring a benefit to the estate.

IT IS FURTHER ORDERED South Dakota Housing Development Authority shall maintain appropriate insurance on the above-described property and pay the cost of utilities necessary to preserve the property. If Trustee Pierce sells the property, South Dakota Housing Development Authority may seek reimbursement of these preservation costs.

IT IS FURTHER ORDERED the ten-day stay imposed by Fed.R.Bankr.P.4001(a)(3) is waived, and this Order is effective upon entry.

IT IS FURTHER ORDERED the hearing on South Dakota Housing Development Authority's Motion to Lift Automatic Stay set for August 13, 2009 is cancelled.

So ordered: July 28, 2009.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles L. Nail, Jr.", is written over a horizontal line.

Charles L. Nail, Jr.
Bankruptcy Judge

On the above date, a copy of this document was mailed or faxed to the parties shown on the Notice of Electronic Filing as not having received electronic notice and Debtor(s), if Debtor(s) did not receive electronic notice.

Frederick M. Entwistle
Clerk, U.S. Bankruptcy Court
District of South Dakota

NOTICE OF ENTRY
Under Fed.R.Bankr.P. 9022(a)

This order/judgment was entered
on the date shown above.

Frederick M. Entwistle
Clerk, U.S. Bankruptcy Court
District of South Dakota